

PARTIES

5. Plaintiff is a natural person who resides in the Township of Carlisle, Lorain County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is an Ohio law firm and business entity and debt collector with an office in Cleveland, Ohio.
8. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Upon information and belief, Defendant is attempting to collect an alleged debt incurred for personal, family or household purposes.
11. Defendant sent a collection letter to Plaintiff dated February 5th, 2014 requesting payment on a debt for which Defendant had already obtained a garnishment. .

12. When Plaintiff contacted Defendant to discuss the letter, Defendant's agent stated there was no account open for the Plaintiff, misrepresenting that a letter had been sent.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

13. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
- b. Defendant violated §1692e by using any false, deceptive, or misleading representation or means in connection with the collection of a debt.
- c. Defendant violated §1692e(2)(A) by the false representation of the character, amount, or legal status of a debt.

WHEREFORE, Plaintiff, Jennifer Miranda, respectfully requests judgment be entered against Defendant, for the following:

- 14. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- 15. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- 16. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, Jennifer Miranda, requests a jury trial in this case.

Respectfully submitted,

KAHN & ASSOCIATES, LLC

/s/ J. Daniel Scharville

J. DANIEL SCHARVILLE (0071132)

6200 Rockside Woods Blvd., Suite 215

Cleveland, Ohio 44131

216.621.6101 Telephone

216.621.6006 Facsimile

Attorney for Plaintiff